



3000111-7048184001  
(4818 CIP1) *AF* *JFW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
David L. Brock, et al. ) Group Art Unit: 3732  
Serial No.: 10/010,150 ) Confirmation No.: 9975  
Filed: November 16, 2001 ) Examiner: Pedro Philogene  
For: FLEXIBLE INSTRUMENT )  
)

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE UNDER 37 CFR § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP**

**AMENDMENT OR RESPONSE AFTER FINAL REJECTION – TRANSMITTAL**

Sir:

Transmitted herewith is an amendment after final rejection (37 CFR § 1.116) for this application.

- Amendment After Final Response - 37 CFR § 1.116 (17 pages);
- Return Postcard.

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**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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*10/20/05*  
Date of Deposit

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Carolyn Tobias  
Name of Person Mailing Paper  
*Carolyn Tobias*  
Signature of Person Depositing Paper

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- Check in the amount of \$\_\_\_\_\_ is enclosed to cover the above fee(s).
- Charge Bingham McCutchen's Deposit Account No. **50-2518** in the amount of \$\_\_\_\_\_.
- The Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. **50-2518** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part and to credit any overpayments to said Deposit Account No. **50-2518**.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

By:

  
David T. Burse  
Reg. No. 37,104

Dated: 10/20/05

BINGHAM McCUTCHEN LLP  
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PATENT TRADEMARK OFFICE



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**RESPONSE TO OFFICE ACTION**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Final Office Action mailed July 20, 2005. A current listing of the claims begins at page 2. Remarks begin at page 16.